

PASADENA CITY COUNCIL MEETING

February 23, 2015

PUBLIC MEETING COMMENTS

Submitted by: Christine Lenches-Hinkel, Waste Less Living

Good Evening Honorable Mayor, Respected City Council Members and City staff:

I am here to comment briefly on Agenda item No. 1, the Assignment of a non-exclusive solid waste franchise from Crown Disposal to Recology. For the record, my name is Christine Lenches-Hinkel and I represent Waste Less Living. I just learned of this agenda item yesterday from a concerned Pasadena resident and am not clear *why this item from Public Works is not being presented first to the Municipal Services Committee which is to meet tomorrow*. It calls into question due process and transparency at a time when this I assume would be paramount for the City to honor. Waste Less Living has come before City Council on other occasions regarding solid waste matters and I am deeply concerned about the way the Department is handling things. It clearly calls into question their transparency and willingness to work with us and instead their eagerness to accommodate existing haulers working in the composting industry. The Department has failed to reach out to Waste Less Living since April of last year, despite instruction from City Council and the EAC to do so. We do not take issue with the reassignment of the franchise from Crown to Recology, but we do take issue with the process and the lack of collaboration we have experienced by City Staff. **We are asking that Agenda Item No. #1 be removed for separate discussion or to:**

- 1) postpone this agenda item until it has gone through the proper process.

Another matter that will likely be before you again soon is the Anti-Scavenging Ordinance that the Municipal Services Committee is discussing tomorrow. Despite our repeated attempts to share our industry knowledge and expertise regarding organics and composting, we have been dismissed by Department staff as evidenced in the inclusion of "organics and compostable materials" in the Ordinance. Inclusion of this language would have adverse impacts on our business model and preclude us from picking up the material. *We have not only asked for an exclusion for our unique business model from the franchise system but also that this material NOT be included in this ordinance.* My understanding is that neither request has been denied or accepted until now with regard to this new language. As such, the inclusion of organics in this proposed ordinance would likely pigeon hole us, again, into the franchise hauling system which we have argued on countless occasions that we do not operate under because of our unique business model. We have presented our arguments on many occasions and have received strong public support for our position, yet the Department continues to ignore the expert advice we are offering to help the City advance its zero-waste initiatives.

Actions by Department staff such as tonight's agenda item and tomorrow's Anti-Scavenging Ordinance is anything but collaborative. Rather, it is business as usual in the solid waste management world. Our position continues to be that hauling waste and recyclables to distant facilities is NOT sustainable and it will not serve the City well in

the long-term. In fact, more waste generation will be necessary to feed the monster recycling and waste-to-energy facilities that are the latest trend costing millions of dollars to build. Trends do not last and trends do not equate to long-term planning. Education, education and education is the name of the zero-waste game! And this is what we do.....I urge City Council to:

- 1) not approve the inclusion of organics and compostable material as a scavengable item in the proposed Anti-Scavenging ordinance.
- 2) instruct City staff to draft an amendment to the existing solid waste franchise system ordinance to include an exemption for businesses like ours that recover source separated organics from private individuals, large events and commercial businesses.

With this, I will end my public comments. I intend to email City Council my public comments for tomorrow's MSC meeting as well as it relates to this agenda item.

Thank you for your time, attention and service to this City. GOOD NIGHT.

## **Jomsky, Mark**

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**From:** Michael Duran <agentoso12@yahoo.com>  
**Sent:** Monday, February 23, 2015 1:54 PM  
**To:** Bogaard, Bill; Tornek, Terry; Robinson, Jacque; McAustin, Margaret; Victor Gordo; Masuda, Gene; Kennedy, John; Madison, Steve; Jomsky, Mark  
**Subject:** MSC Item 3.A, Council Item 1

The Merits of Amending 8.60 and Item 1

Good Evening I am Michael Duran and I am a Pasadena voter.

CITY CLERK

There is a clear difference between construction and debris hauling, scavenging for items in City containers and organic composting. FEB 28 2015 11:15 AM

There is no reason to prevent residential curbside composting. Companies like Athens may have the capacity to divert and compost organic waste. However, only residents who voluntarily participate in a program, such as that offered by Waste Less Living (WL), will receive the benefits offered: compost delivered to the resident.

There is no reason to think WL will remove anything from City collection containers. Thus conflating their service with recyclable scavenging lacks any rational basis.

During the September 29, 2014 Council Meeting, Members Kennedy and Masuda, suggested that staff enter into discussions with WL, and Council Member Kennedy also included the entity "Clean Up America".

Was this done?

If not, why not?

If so, where is this documented and what was the substance of the interaction and the result?

(Note; Assistant City Manager Gutierrez, fails to mention anything related to the Kennedy-Masuda direction in the 2/24/15 Public Works Memorandum).

It appears from the same Memorandum that none of the proposed language, sent by WL to City elected officials and staff, on 9/19/14, 9/23/14 and again on 2/20/15 was incorporated into the staff Memorandum.

Staff cites as a rationale for the amendments, which would cripple WL and similar businesses, an annual savings of 31,500 dollars, from ending private scavenging. However this rationale would only apply to businesses that take recyclables from City collection containers. This cannot apply to the composting.

As an aside, a 2008 two week study is a thin reed on which to make policy. Especially when it poses such a significant threat to an important Pasadena small business. Yet this is all that is cited by staff.

I am also very troubled by process issues. Item 1 on today's Council Agenda, has not, as far as I

**02/23/2015**  
**Item 1**

know been heard in MSC. If so this is improper and inexplicable. Moreover the timing of the release of the next MSC agenda gave insufficient time for study and comment. So Item 1 on today's agenda and 3.A on the MSC agenda should be postponed. We simply need more time in order to fully participate.

The 2/24/15 Memorandum suffers from a number of weaknesses beyond the observations above. They are in the written comments set forth below.

- 1) Why cannot WL and other composting businesses report the weight of the materials it collects to the Department of Public Works? This would allow the City to capture data as to the amount of landfill diversion in addition to that reported by all authorized collectors.
- 2) Where is there any evidence that composting would impede collection by the City and authorized collectors?
- 3) If there is no such evidence, why must same day collection for organic waste be barred?
- 4) In defining scavenging, who's "intent" governs whether or not the material is intended for collection by the City or the "City authorized collector"?
- 5) Should it not be the intention of the resident or other consumer? After all we are the purchasers and if composting is desired (collection, treatment and delivery), why should the City interfere unnecessarily with that choice?
- 6) How was the 10 foot zone of control determined? Why cannot clearly marked organic waste, properly stored, be placed within 10 feet of City containers?